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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,142	11/29/2000	Julian L. Henley	3824-4	8283

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EXAMINER
KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/725,142	HENLEY, JULIAN L.	
	Examiner	Art Unit	
	Stefano Karmis	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,21,30-35 and 50-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17, 21, 30-35 and 50-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 23 March 2006.

Status of Claims

2. Claim 35 is currently amended. Claims 1, 15, 21, 30, 32-34, 50-52 and 54-59 are previously presented. Claims 2-14, 16, 17, 53 and 60 are originally filed. Claims 18-20, 22-29, 36-49 and 61-64 are cancelled. Therefore claims 1-17, 21, 30-35 and 50-60 are currently pending.

Response to Arguments

3. Applicant's arguments filed 23 December 2005 have been fully considered but they are not persuasive as discussed below. Therefore claims 1-17, 21, 30-35 and 50-60 are rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-9, 12-17, 21, and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo, U.S. Patent 6,006,191 in view of Newman et al. (hereinafter Newman) U.S. Patent 6,035,276.

Claims 1-9, 12-17, 21, and 30-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo, U.S. Patent 6,006,191 in view of Newman et al. (hereinafter Newman) U.S. Patent 6,035,276 as stated in the previous office action mailed 23 September 2005. Regarding claims 1, 30 and 35, Applicant submits that DiRienzo in view of Newman fails to teach the step of "automatically authenticating qualifications of said medial service provider…upon obtaining registration information from said provider." The Examiner respectfully disagrees. Newman teaches a medical practitioner credentialing system (Abstract). The system provides a method to electronically store a common set of credentialing information relating to physicians who must have their credentials verified for use in automatically generating a plurality of different provider applications forms having different formats (column

3, lines 10-17). This information is provided in a credentialing information database and used in completing application forms (column 3, lines 35-45). In the instant application, a medical provider registers and has their qualifications checked with those in a qualifier database (page 20 of specification). The Examiner contends that Newman teaches "automatically authenticating qualifications of said medial service provider…upon obtaining registration information from said provider" because Newman's application is a registering procedure that creates a database of doctor credential information. The database is consistent with the teachings of the instant application since it is able to authenticate the medical provider qualifications. There is sufficient motivation to combine the teachings of DiRienzo with Newman because it allows for the medical service procurement teachings of DiRienzo to find qualified physicians as taught by Newman. DiRienzo teaches searching for "highly reputable specialists" (column 17, lines 7-15) and therefore the credentialing system of Newman would help ascertain this information by analyzing physician credentials. Regarding claim 30, DiRienzo in view of Newman teaches that the steps are performed with the use of a computer (Abstract and Figure 3). For these reasons, claims 1, 30 and 35 stand rejected and Applicant's request for allowance is respectfully declined.

Regarding claim 21, Applicant asserts that DiRienzo in view of Newman fails to teach accessing a maintained database or an online commercial data resource to obtain health or financial conditions of a prospective patient. The Examiner respectfully disagrees. DiRienzo teaches accessing database to retrieve the medical image, which informs the physician of the patient's health (column 11, lines 17-32). Therefore claim 21 stands rejected.

Regarding claim 35, the amended phrase "and/or" (line 14, claim 35) makes it unclear what information the qualifier database contains. It appears that merely having information for automatically verifying credentials of a service provider via on-line sources is sufficient. DiRienzo in view of Newman teaches such teachings as discusses above in claim 1. Therefore claim 35 is rejected.

8. Claims 10, 11 and 50-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo, U.S. Patent 6,006,191 in view of Newman et al. (hereinafter Newman) U.S. Patent 6,035,276 in further view of Feinberg U.S. Patent 6,366,891.

Claims 10, 11 and 50-57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo, U.S. Patent 6,006,191 in view of Newman et al. (hereinafter Newman) U.S. Patent 6,035,276 in further view of Feinberg U.S. Patent 6,366,891 as stated in the previous office action mailed 23 September 2005. Regarding claims 10, 11 and 50-57 Applicant asserts that Feinberg fails to teach providing feedback. The Examiner respectfully disagrees. DiRienzo in view of Newman teach transactions between patients and physicians. In such instances, the patients are considered buyers in the system since they are buying medical services and the physicians are sellers since they are making available their services. Feinberg teaches an auction between buyers and sellers in which buyers may leave comments concerning a sellers service (column 4, lines 45-51). When combined with DiRienzo in view of Newman this equates to the patient (buyer) leaving comments about the physician (seller) in the transaction system. Therefore claims 10, 11 and 50-57 stand rejected.

9. Claims 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo, U.S. Patent 6,006,191 in view of Newman et al. (hereinafter Newman) U.S. Patent 6,035,276 in further view of Rackson U.S. Patent 6,415,270.

Claims 58-60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DiRienzo, U.S. Patent 6,006,191 in view of Newman et al. (hereinafter Newman) U.S. Patent 6,035,276 in further view of Rackson U.S. Patent 6,415,270 as stated in the previous office action mailed 23 September 2005. DiRienzo in view of Newman teach medical transactions for specified medical services. Rackson teaches computing an adjusted bid price based on certain factors considered during a service transaction. Rackson teaches that the adjustment can be done automatically by retrieving corresponding data elements. Therefore DiRienzo in view of Newman in further view of Rackson teach the limitations of claims 58-60.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
12 June 2006

HANI M. KAZIMI
PRIMARY EXAMINER